



## Homebuyer's Assistance Program (HAP) Program Guidelines

### **PROGRAM OBJECTIVE**

To provide low to moderate-income families affordable homeownership opportunities within the City of Fort Worth.

### **ASSISTANCE AVAILABLE**

The Homebuyer's Assistance Program (HAP) offers loans to the first time homebuyer with down payment and closing cost assistance for homes purchased within the City.

### **REPORTING**

By signing the HAP application the applicant is aware their name and property address will be reported in a U.S. Government information system aka Integrated Disbursement & Information System (IDIS) provided by The U.S. Department of Housing and Urban Development.

### **PROCESSING TIME, COMMITMENT TERMS AND ADDITIONAL REQUIREMENTS**

Each submission package will be logged and tracked. The processing time will be thirty (30) days from the date of our commitment of funds. A conditional commitment will be issued once the applicant has been qualified. This commitment will be valid for sixty (60) days from the date of issuance on existing construction and ninety (90) days for new construction. New construction requires special treatment for first time homebuyers. The applicant cannot initiate the interim construction loan, as it will appear as a mortgage loan on the credit report. This may disqualify the applicant from meeting the program criteria.

The City of Fort Worth reserves the right to interview all applicants face to face and recommend counseling where needed. In the event an interview or counseling is deemed necessary, the application will be placed on hold until these requirements have been fulfilled.

After the initial commitment, property standards inspections will be ordered and require seven (7) days to be completed. Upon completion, the seller, realtor, purchaser or other

parties responsible may need to complete necessary repairs to satisfy inspection requirements. The property standards inspection is not a residential real estate inspection for the benefit of the buyer. The buyer is required to get a home property inspection if applying for assistance.

Funds will be ordered after *all conditions* to the commitment have been met.

Closing instructions will be sent to the title company once funds, HQS inspection, environmental review, COFW borrower disclosures, and all conditions have been received.

## **INSPECTIONS**

Federal law requires the property being purchased be inspected for compliance with applicable city building and quality standards, including an environmental review and the model energy code as adopted by the city. Also, depending on the age of the property, lead hazard testing will be performed. All inspections and testing are at no cost to the buyer or seller. The buyer is required to get a home property inspection.

**CLOSING COST ASSISTANCE (CCA)** – Maximum amount available is \$3,000.00  
CCA can be requested for the applicant(s) to pay the following expenses:

Origination Fee (*Not to exceed 1% origination and 1% discount*)

\*No more than 2% total\*

Processing Fee (*Not to exceed \$500*)

Upfront MIP/PMI

Appraisal (*Not to exceed \$400*)

Mortgage Title Policy

Attorney Fees (*Not to exceed \$250*)

Recording Fees

Termite Inspection (*Not to exceed \$80*)

Survey

Credit Report

Pre-paid Interest (*Not to exceed 30 days*)

Pre-paid Insurance (*First Year*)

Items not mentioned above or in excess of the allotted City subsidy may be paid from seller proceeds or the buyer's own funds. The above-mentioned items are the only items in which the City may contribute.

**DEFERRED PAYMENT LOAN (DPL)** – Maximum amount available is up to \$14,999.00 anywhere within the City of Fort Worth. The amount of assistance will depend on the family size and income of the applicant(s).

## **APPLICANT ELIGIBILITY**

To qualify, the applicants must be first-time homebuyers or cannot have owned a home in the last three years. Displaced homemakers may be eligible, on the basis that he/she previously owned a home with the former spouse, but no longer reside in that residence. A copy of the divorce decree must be provided and show the spouse has been displaced.

All eligible applicants will be qualified according to HUD guidelines for housing assistance. HUD guidelines require that verification of dependents be included in the determination of eligibility.

Applicant(s) must be either a citizen of the United States or a legal resident alien. Participation in the program by City of Fort Worth employees requires disclosure by the applicant and written acknowledgment of the disclosure by the Housing Department.

A Housing Loan Service Representative shall determine eligibility of an applicant for closing cost/down payment assistance based on the above guidelines, including income eligibility. The amount of assistance will depend on the family size and income of the applicant(s). Such determination must be reviewed and signed by a Housing Supervisor, Program Manager, Assistant Director or Director. Each applicant receiving HAP subsidy is required to sign a **Buyer's Notification** and **HAP Agreement for HOME Assistance** before closing.

## **INCOME QUALIFICATIONS**

Household income must be at or below 80% of HUD area median income adjusted for household size. HOME program income limits change from time to time (usually the beginning of the year. The Housing Department will provide this information as it changes.) Household size will be determined by dependent verification in the form of IRS 1040 tax returns, recent birth certificates, legal adoption certifications, court ordered guardianships and divorce decrees or documentation of separation. All applicants must provide documentation of **receipt** or **non-receipt** of **child support**. Documentation of receipt or non-receipt of child support may be obtained from the local child support office.

The income and debts of a spouse, non-purchasing spouse, or other household member (s) who would ordinarily sign a lender's application and chooses not to do so will be considered to determine eligibility. All household members (over 18 years of age) living in the same household will be considered when calculating income. A statement of FICA earnings from the Social Security Office will be required for all individuals 18 yrs or older reporting no income. A co-signer's income will be included when determining eligibility if the co-signer is a household member. The chart below shows assistance availability based on AMI income percentages.

AMI	INCOME PERCENTAGE ALLOWABLE AMOUNT
0-35%	14,999
36-40%	12,999
41-50%	11,999
51-60%	10,999
61-80%	9,999

Interest earned on interest bearing accounts totaling \$5,000.00 or more will be included in the determination of income for the household. If the interest income is not disclosed, it will be calculated at a rate of 2% per annum.

Written verification of employment (VOE's), copies of pay stubs, and other written documentation are necessary to satisfy the requirements of HUD in all income verifications. The documentation required for self-employed borrowers are the last two years tax returns, along with a current P&L and 2 months of bank statements from the business.

### **DOWN PAYMENT**

A minimum down payment of at least \$1,000 or 2% of the purchase price whichever is less, must come from the applicants' own resources. Any out of pocket closing expenses (POC's) paid by the applicant will be credited to the applicant's down payment requirement.

### **QUALIFYING RATIOS**

Closing Costs Assistance (CCA) *only*, the monthly housing payment (PITI- principal, interests, taxes, and insurance) must be no less than 20% and no greater than 30% of the gross monthly household income. Deferred Payment Loan (DPL) combined with CCA; the ratios can be no less than 20% and no greater than 30% of the monthly income. Combined housing and debt ratios cannot exceed 41% of the borrower's gross monthly income.

For new construction and FHA loan products (only) meeting CABO requirements as specified by FHA, ratios may be extended to 32% housing and 43% housing and debt.

**All housing ratios must include tax and insurance escrows.** No loan will be subsidized without tax and insurance escrows. **The Homebuyer's Assistance Program requires that all escrowed property taxes must be calculated on an improved property value.**

To determine the reasonable amount of property taxes to escrow, the lender or title company may go to [www.tarrantcounty.com](http://www.tarrantcounty.com) and use the property tax estimator feature.

*The Housing Department Loan Processing staff will calculate qualifying ratios according to HUD Income Calculation Guidelines set forth for the program.*

### **ELIGIBLE LOAN TERMS**

- Thirty (30) year fixed term
- Interest rate not to exceed 2% above the conventional mortgage rate stated by the Federal Reserve at the time of application. ([www.federalreserve.gov](http://www.federalreserve.gov))
- CLTV not to exceed 105% on 1<sup>st</sup> lien and DPL

### **TERMS OF AFFORDABILITY AND RECAPTURE PROVISION**

The Note is a deferred payment loan. Payback of the Principal Amount will only be required if any of the following conditions occur:

- a. The Property is sold, transferred, leased, rented, abandoned, foreclosed or ceases to be occupied by Grantor as Grantor's principal residence for five years from the date of the Note and Deed of Trust (the "Affordability Period"). This provision shall not apply to (i) a subordinate lien or encumbrance that does not transfer rights of occupancy of the Property; (ii) creation of a purchase-money security interest for household appliances; (iii) transfer to Grantor's spouse as a result of a divorce, property settlement agreement or legal separation, or a transfer between co-Grantors so long as the transferee spouse or co-Grantor continues to occupy the Property as his or her principal residence and meets such other Home Program guidelines as required by Lender in its sole discretion; and (iv) transfer by devise, descent or operation of law on the death of Grantor to Grantor's surviving spouse, descendants or a relative so long as the surviving spouse, descendants or relative continue to occupy the Property as their principal residence and meet such other Home Program guidelines as required by Lender in its sole discretion.
- b. The Prior Lien note is paid in full according to its terms during the Affordability Period.
- c. The Prior Lien note is refinanced in whole or in part or is assumed by a new borrower without the consent of Lender during the Affordability Period.
- d. Default in the terms of the Prior Lien note or the deed of trust that secures it during the Affordability Period.
- e. Default in the terms of the Note or this Deed of Trust.
- f. After five years and one day from the date of the Note, the Note shall be forgiven provided that Borrower is not in default of any of the provisions of the Note or this Deed of Trust.
- g. If Grantor sells the Property or if the holder of the Prior Lien note forecloses upon the Property during the Affordability Period, the Principal Amount of the Note shall be repaid from Net Proceeds. Net Proceeds of a sale, whether

voluntary or involuntary, are defined as the sales price of the Property minus loan repayment (other than HOME Program funds) and any closing costs, or as otherwise defined in the HOME Program regulations.

HOME regulations require a minimum subsidy amount of \$1,000.00. The City of Fort Worth will not participate in an application utilizing less than \$1,000.00 of HAP funds. Under no circumstances shall the DPL or CCA lien be less than \$1,000.00.

## HOMEOWNERSHIP TRAINING AND COUNSELING PROGRAM

All applicants must complete a homeownership training and counseling program. This requirement will be evidenced by a completion certification from a Housing and Urban Development (HUD) Certified Housing Counseling Agency only. The following four agencies are currently approved by HUD:

Catholic Charities of Fort Worth 817-534-0814 ext. 2815  
249 West Thornhill Drive, Fort Worth, TX 76115

Housing Opportunities of Fort Worth 817-923-9192  
1065 W. Magnolia Suite B, Fort Worth, TX 76104

NID Housing Counseling Agency 817-507-0670  
6737 Brentwood Stair Road, Suite 112, Fort Worth, TX 76112

Money Management International 1-866-232-9080  
2100 North Main Street, Suite 224, Fort Worth, TX 76164

Tarrant County Housing Partnership 817-924-5091  
3204 Collinsworth St, Fort Worth TX 76107

Note: hours, fees and courses may vary according to each agency.

### **ELIGIBLE PROPERTY**

Property that is considered eligible to receive homebuyer's assistance must meet the following criteria:

- Property must be located in the city limits of Fort Worth.
- Property located in an area identified by the Federal Emergency Management Agency (FEMA) as a special flood hazard area, must carry flood insurance for the life of the loan. Proof of insurance is required prior to funding.
- Property cannot be located in an airport clear zone or on a toxic waste site.
- Property may be an existing housing unit or new construction provided the slab is complete.
- Property can be a short sale
- Property must be a single-family unit. (i.e. house, duplex, condo, townhouse)

- Government-owned property is not eligible for assistance.
- HOME regulation 24 CFR Section 92.254 (a) (2) (iii) require that the sales price not exceed 95% of the area median sales price. For existing homes the sales price must not exceed \$133,000 and for new construction the sales price must not exceed \$195,000.

Depending on the property, the property must meet Housing Quality Standards (HQS) inspection and an Environmental Review (ER) as defined by the U.S. Department of Housing and Urban Development (HUD) and/or the local building codes applicable to the property. A Real Estate Inspection (TREC) is required on all properties submitted for City assistance. The property, if new construction must meet the Model Energy Code compliance requirement. An inspector from the Housing Department of the City of Fort Worth will be provided at no cost to the buyer. All utilities must be on and all necessary repairs must be made before funds can be released. The inspection will be ordered after the applicant has been qualified. This may take up to seven (7) business days.

### **ELIGIBLE LENDERS AND LENDER REQUIREMENTS**

Lenders must be approved by the City of Fort Worth. If the lender is currently not approved; they may request a lender application by calling 817-392-7395. Once the required documentation is received it takes approximately 5-7 business for approval.

All Lenders must collect for tax and insurance escrows. **No loan will be subsidized without tax and insurance escrows.**

The lender must provide all requested documentation listed in the submission package section of the HAP application to the Housing Department. **Application must be submitted no later than 30 days prior to closing.** The City is not obligated to accept any application that does not contain all required information.

Acceptance of applications for the Homebuyer's Assistance Program depends on the availability of funds. Only approved lenders and or brokers (capable of closing transactions in their own name) may submit applications requesting funds on behalf of the homebuyer.

The lender's submission packages must include the following in order to process the subsidy request:

1. Original Application (signed by all parties)
2. Good faith estimate
3. Lender commitment
4. 1008/Mcaw (must be signed by the lender with conditions intact).
5. Letter of Assignment (mortgage brokers only)
6. Approval from lender funding the loan (mortgage brokers only)
7. Broker Agreement with participating lender (mortgage brokers only)
8. \*Homeownership Training Certificate

9. Credit Report
10. Written VOE (*all parties*).
11. ***Last 60 days pay stubs (all parties).***
12. ***Statement of FICA Earnings***(*all individuals 18 yrs or older reporting no income*)
13. ***Last 2 years 1040's signed or a certified copy from the IRS.***
14. ***4506-T form***
15. Child Support Receipt or Non-Receipt
16. HUD Income Certification Form
17. ***Last 6 months*** bank statements (*all assets*)
18. Copy of drivers license (*all applicants*)
19. Copy of social security card (*all applicants*)
20. Notice to Seller, ***must be signed, dated and include the sales price.***
21. Purchase contract (*signed by all parties and escrowed*)
22. Lead based paint addendum (1978 and prior)
23. COFW Conflict of interest disclosure
24. \*Hazard Insurance and Tax Certifications
25. \*Appraisal (*may be faxed*)
26. \*Survey (*may be faxed*)
27. \*Termite certificate –Existing Construction (*may be faxed*)
28. \*Real Estate Inspection (TREC)

**(\*) May be provided after City commitment, but prior to closing.**

A copy of the HUD-1 should be provided prior to closing to ensure the amounts of funds provided are listed correctly. The requirement to file liens must be included in the closing instructions to the title company. In addition, all warranty deeds must contain the subordination clause that follows:

*“GRANTOR and GRANTEE also acknowledge the retention of a second, subordinate and separate vendor’s lien, and GRANTOR hereby transfers the same to CITY OF FORT WORTH, hereinafter called “SECOND-LIEN BENEFICIARY”, which lien secures GRANTEE’S certain other note of even date to SECOND-LIEN BENEFICIARY in the amount of \_\_\_\_\_, being further consideration paid to GRANTOR, as more particularly described in deed of trust of even date herewith to VICKI S. GANSKE and LEANN GUZMAN, TRUSTEE. But it is expressly agreed and stipulated that the vendor’s lien and superior title are retained in favor of the FIRST-LIEN BENEFICIARY and SECOND-LIEN BENEFICIARY, respectively, against the above described property, premises and improvements, until each of the above respective notes are fully paid according to its terms, when this deed shall become absolute.”*

The lender may choose to use their funds to close prior to the house passing the HQS inspection. However, if the house does not pass the inspection, the City is not liable for the loss of funds to the lender.



## **MORTGAGE BROKER PARTICIPATION**

Qualified participating brokers are required to submit a copy of their broker agreement with the lender they are choosing to broker their loan packages through. A letter of assignment must accompany the submitted loan package as well.

Submitted loan packages are required to have an approval from the lender funding the loan. Pre-approvals and conditional approvals are acceptable.

If a submitted loan package changes lenders in the middle of a transaction, HAP funds will be cancelled and new documentation will have to be submitted.

Any deviation from the HAP policies and procedures may result in the individual mortgage broker or loan officer being suspended or debarred from participation in the HAP program at the City's discretion.

## **SELLER REQUIREMENTS**

The real estate agent must inform the seller that the property to be sold must pass the quality inspection and environmental review in order for the buyer to receive financial assistance. The seller should be provided a copy of the inspection to help determine if the requirements of the inspection can be met. HQS repairs must be made prior to closing.

The seller will be required to sign a "Notice To Seller" statement acknowledging the sale is voluntary and the purchaser does not have the power of eminent domain.

## **TITLE COMPANY – CLOSING AND FUNDING REQUIREMENTS**

Notice to close will be provided to the City of Fort Worth Housing Department twenty-four hours prior to closing. Upon receipt of the initial HUD-1 and required documents the closing office will review the documents and issue the HUD approval. After the HUD approval has been issued the closing department will prepare the note(s) and deeds(s) of trust necessary to close. The prepared closing docs will be forwarded via email to the title company.

### **Things to remember when preparing the HUD-1 settlement statement and closing documents.**

1. The City of Fort Worth has no fees to the applicant participating in the HAP program.
2. **The HUD-1 must reflect all POC's and earnest money deposits.**
3. **NO CASH BACK TO THE APPLICANT.** Any monies in excess of the amount presented must be returned to the City of Fort Worth.

4. CCA/DPL liens must be separated on the HUD-1.
5. Hazard insurance, flood insurance, and the title commitment must show the City of Fort Worth as a second mortgagee.
6. The following subordination clause is mandatory for all second lien transactions.

**“GRANTOR and GRANTEE also acknowledge the retention of a second, subordinate and separate vendor’s lien, and GRANTOR hereby transfers the same to CITY OF FORT WORTH, hereinafter called “SECOND-LIEN BENEFICIARY”, which lien secures GRANTEE’S certain other note of even date to SECOND-LIEN BENEFICIARY in the amount of \_\_\_\_\_, being further consideration paid to GRANTOR, as more particularly described in deed of trust of even date herewith to VICKI S. GANSKE or LEANN GUZMAN, TRUSTEES. But it is expressly agreed and stipulated that the vendor’s lien and superior title are retained in favor of the FIRST-LIEN BENEFICIARY and SECOND-LIEN BENEFICIARY, respectively, against the above described property, premises and improvements, until each of the above respective notes are fully paid according to its terms, when this deed shall become absolute.”**

**After closing the following documents must be returned prior to release of the funds.**

- *Signed **original** subordinate Promissory Note*
- *Signed **original** subordinate Truth in Lending*
- *Signed **certified copy** of the subordinate Deed of Trust*
- *Title reflecting the City’s subordinate position*
- *Signed **copy** of the first lien note and deed of trust*
- *Signed **copy** of the warranty deed with subordination clause*
- *Signed **copy** of the first lien truth in lending disclosure*
- *Signed **copy** of the final HUD-1*
- *Signed **copy** of the final loan application*
- *HAP Buyer Notification*
- *Signed HAP Agreement for HOME Assistance*
- *Document Correction Agreement*

Upon receipt of the above items, funds will be released to the title company.

The subordinate deed of trust must be recorded and returned to the City of Fort Worth.

### **Additional Information**

The City of Fort Worth’s assistance can be used with the HCVHP (Housing Choice Voucher Homeownership Program) and the Public Housing Homeownership Program (PHH) for FWHA (Fort Worth Housing Authority and Tarrant County Housing Authority) participants.

Lender/Realtor participants using the HAP Program are strictly prohibited from advertising the availability of the Program in any way without the expressed written permission of the City of Fort Worth Housing and Economic Development Department.

For more information: The City of Fort Worth  
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(817) 392-7395